

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Andrews et al
Customer No.: 051957
Serial No.: 10/829,139
Conf. No.: 5372

Group Art No.: 1626

Examiner: Grazier, Nyeemah

Filed: April 20, 2004

For: KINASE INHIBITORS FOR THE
TREATMENT OF DISEASE

Commissioner for Patents
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

The owner, Allergan, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior Patent Number 6,699,863. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent is commonly owned. The agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in

any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record.

Date: April 5, 2007

By: /Robert J. Baran

ROBERT J. BARAN
Assistant General Counsel
ALLERGAN, INC.

X Please charge the terminal disclaimer fee under 37 CFR 1.20(d) to Account No. 01-0885. A duplicate of this terminal disclaimer is enclosed.

X PTO suggested wording for terminal disclaimer was unchanged.

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